

Message Text

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46

ACTION NEA-12

INFO OCT-01 ADP-00 SCS-03 SCA-01 L-03 NEAE-00 PRS-01 RSR-01

RSC-01 /023 W

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P 021300Z AUG 73

FM AMCONSUL ISTANBUL

TO SECSTATE WASHDC PRIORITY 4380

INFO AMEMBASSY ANKARA

C O N F I D E N T I A L ISTANBUL 2475

E.O. 11652: GDS

TAGS: CASC, TU (HAYES, WILLIAM)

SUBJ: WILLIAM HAYES

REF: ISTANBUL 1121

1. UPON ARRIVAL ISTANBUL AND IMMEDIATELY PRIOR ATTENDING TURKISH NAVY ANNIVERSARY RECEPTION ABOARD ATATURK'S YACHT, ATTENDED BY PRESIDENT KORUTURK, AMBASSADOR MACOMBER MET APPROXIMATELY ONE HOUR WITH WILLIAM HAYES, SR., MICHAEL J. GRIFFITH AND CONOFF. MR. GRIFFITH, WHO DID MOST OF TALKING ON BEHALF OF MR. HAYES, REVIEWED THE THREE POSSIBLE COURSES OF ACTION OUTLINED REFTEL TO BE UNDERTAKEN IN EVENT BILL RECEIVES EXPECTED THIRTY-YEAR SENTENCE WHEN HE RETRIED ON SEPTEMBER 10.

2. IN PRESENTATION GRIFFITH, BY RETURNING REPEATEDLY TO SUBJECT, EMPHASIZED HIS PREFERENCE U.S. REQUEST FOR TRANSFER OF HAYES TO U.S. CUSTODY FOR SERVING SENTENCE UNDER PROVISIONS TURKISH LAW 647. IN RESPONSE, THE AMBASSADOR INDICATED HE PERSONNALLY SKEPTICAL FEASIBILITY THIS APPROACH, CITING AMONG OTHERS, THOSE COMPLICATIONS ENUMERATED REFTEL. NEVERTHELESS, HE ASSURED GRIFFITH AND HAYES THAT HE WOULD HAVE THE DEPARTMENT'S LEGAL ADVISOR THOROUGHLY EXPLORE THE POSSIBILITIES. HE POINTED OUT, HOWEVER, THAT EVEN IF IT TURNS OUT THAT ACTION UNDER 647 POSSIBLE, IT WOULD BE NECESSARY TO KNOW EXACT DETAILS BEFORE DETERMINING IT DESIRABLE ALTERNATIVE, E.G. WOULD POSSIBLE SUBSEQUENT TURKISH PARDON BE CONTROLLING AS FAR AS U.S. AUTHORITIES

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CONCERNED? WOULD U.S. PROVISIONS FOR PAROLE, ETC., REMAIN UNINHIBIT-

ED?

3. THE AMBASSADOR THEN WENT ON TO EXPRESS HIS VIEW THAT BEST HOPE LAY IN ENDING CASE BY PARDON. IN HIS OPINION HAYES SHOULD BE PREPARED THROUGH HIS ATTORNEYS TO PRESENT REQUEST FOR PARDON IMMEDIATELY FOLLOWING SENTENCING. AMBASSADOR SAID THAT WITHOUT ANY WAY OF KNOWING, HE THOUGHT BILL'S CHANCES OF SUCCESS WERE LESS THAN EVEN. NEVERTHELESS, HE WAS PREPARED TO MAKE BEST POSSIBLE EFFORT HE COULD TO SUPPORT SUCH A REQUEST. HE EMPHASIZED, HOWEVER, THAT IT IMPORTANT HE BE WORKING IN SUPPORT OF HAYES APPEAL RATHER THAN INTERVENING INDEPENDENTLY. SUCCESS VIA THE PRESIDENTIAL PARDON ROUTE WOULD RENDER ACADEMIC IDEA OF A TRANSFER UNDER LAW 647. FURTHER, IN HIS VIEW, PARDON HAD DISTINCT ADVANTAGES OVER LEGISLATIVE ROUTE, I.E., SEEKING PROVISION FOR FULL RELEASE ALL FOREIGN PRISONERS AS PART OF EXPECTED GENERAL AMNESTY LEGISLATION.

4. WHEN GRIFFITH ENQUIRED WHETHER IT WOULD BE WORTH WHILE WORKING THROUGH AMBASSADOR ESENBEL IN WASHINGTON, AMBASSADOR MACOMBER REPLIED THAT IN HIS VIEW THAT WOULD BE EXTREMELY USEFUL CHANNEL.

5. IN CLOSING, AMBASSADOR REITERATED CRUCIAL IMPORTANCE OF AVOIDING PUBLICITY IN TURKEY OR CREATING ANY IMPRESSION ANYWHERE, THE U.S. INCLUDED, THAT AMBASSADOR MACOMBER HAD BEEN ASKED TO, OR WAS CONSIDERING, INTERVENING WITH GOT IN THIS MATTER. SINCE HAYES, SR. CHANNEL OF COMMUNICATION THROUGH SAMI COHEN TO NEWSDAY IT WAS AGREED THAT HAYES AND GRIFFITH COULD INFORM NEWSDAY THAT THEY HAD MET WITH AMBASSADOR MACOMBER AND HE HAD LISTENED CAREFULLY TO WHAT THEY HAD TO SAY. BEYOND THAT THEY WOULD HAVE NO FURTHER COMMENT.

FOLLOWING MEETING WITH AMBASSADOR, CONOFF HAD FURTHER CONVERSATION WITH GRIFFITH AND HAYES AT WHICH THEY EXPRESSED THEIR EXTREME GRATITUDE FOR AMBASSADOR TAKING TIME TO SEE THEM AND THEIR PLEASURE AT AMBASSADOR'S WILLINGNESS TO ASSIST. AT THIS TIME GRIFFITH WAS STILL FOCUSING ON LAW 647 ROUTE
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AS BEST BET, BUT HAD AGREED THAT BILL HAYES SHOULD, AS AMBASSADOR ADVISED, MAKE A REQUEST FOR PARDON AS SOON AS SENTENCE PRONOUNCED.
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GRIFFITH HEADED FOR THREE-WEEK VACATION IN GREECE, SENDING HIS REPORT AND RECOMMENDATIONS TO SUTTON ON TAPE. HAYES, SR. RETURNING U.S. TODAY.

6. FOR DEPT: AMBASSADOR MACOMBER REQUESTS THAT HE BE ADVISED ON URGENT BASIS IF THERE ANY POSSIBILITY THIS CASE CAN BE RESOLVED THROUGH USE TURKISH LAW 647, SECTION 18.

7. FOR ANKARA; EMBASSY REQUESTED RESEARCH LEGISLATIVE
HISTORY ABOVE PROVISION AS WELL AS INSTANCES INVOKED TO DATE.
MACE

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NNN

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